



City of Santa Barbara

Public Works Department

SantaBarbaraCA.gov

March 31, 2020

Main Office

630 Garden Street
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Santa Barbara, CA
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Fleet Management

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Streets Operations & Infrastructure Management

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Transportation Planning & Parking

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Water Resources

Tel: (805) 564-5387
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Chick-fil-A, Inc.
Jennifer M. Daw
Principal Development Lead – West Region Development & Construction
15635 Alton Parkway, Suite 350
Irvine CA, 92618

SUBJECT: Drive-Through Queuing onto State Street at Chick-fil-A, 3707 State Street

Dear Ms. Daw,

I received your letter dated March 25, 2020. I appreciate that you have been working with Mr. Dayton and our team to resolve the public nuisance caused by patrons of your drive-through queuing into the street right of way, blocking traffic, and creating safety issues for all modes of transportation using State Street. Although you expressed concerns about the ability of security personnel being able to control traffic outside the Chick-fil-A parking lot, we appreciate Chick-fil-A's willingness to move forward with the use of security personnel on location. That way, your patrons can be instructed by the security personnel to move on and not block traffic in the right-of-way. We hope that this will be effective. It is critical for your team to eliminate queuing into the right-of-way immediately.

During the COVID-19 crisis, your operator's strategy of a dual lane drive through seems to be working well. We are hopeful that this operational strategy will keep the queue out of the right-of-way following the crisis and return of normal traffic.

Finally, you mention that Mr. Dayton and Mr. Wei "seemed to be in agreement with us regarding our revised plan." I have confirmed with Mr. Dayton and Mr. Wei that they expressed no formal opinion on the revised plans and reiterated that Chick-fil-A is responsible for conducting its operations in a manner that does not constitute a public nuisance. Your organization has the expertise to accommodate them and your drive-through generates. We will process any permit you submit, but our approval of any plans submitted will be limited to typical planning and permitting standards. Chick-fil-A has the sole responsibility for operating in a manner that eliminate this public Nuisance.

I would be happy to discuss or answer any questions you have by phone.

Sincerely,

Rebecca J. Bjork
Public Works Director

cc:

Ariel Calonne, City Attorney
Dan Hentschke, Assistant City Attorney
George Buell, Community Development Director
Lori Luhnnow, Chief of Police
Paul Casey, City Administrator/Clerk/Treasurer
Rob Dayton, Transportation Planning & Parking Manager



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March 9, 2020

Chick-fil-A, Inc.

Jennifer M. Daw

Principal Development Lead – West Region Development & Construction

15635 Alton Parkway, Suite 350

Irvine CA, 92618

SUBJECT: Chick-fil-A Queuing On Upper State Street

Dear Ms. Daw,

On January 23, 2020 I sent you a letter regarding the nuisance created by the failure of Chick-fil-A to adequately manage the queue for the drive-through. In that letter I suggested that Chick-fil-A hire a security firm to manage the parking queue in such a manner as to prevent vehicles, from waiting in the street; either by periodic closure of the drive-through lane, or by directing drivers into parking spots when there is no room to safely wait in the drive-through lane or simply by moving people along when there is no space in your restaurant. You have not only failed to hire a firm to perform this operational function as suggested, nor have you taken any actions to address the offsite nuisance you are creating.

Pedestrians, bicyclists, and other vehicles are all at risk from the queue that forms on State Street. We have heard reports of accidents and near misses. I am extremely concerned that it is just a matter of time until there is a serious accident or worse. Therefore, the City staff are recommending that the City Council hold a council hearing to consider the evidence to declare Chick-fil-A's operations, a public nuisance.

I strongly encourage you to take immediate actions. The life safety of your customers and the general public are at risk. Waiting for changes to the configuration of your drive-through lane and parking lot is not an acceptable approach. While this may resolve issues in the long term, as previously expressed, this change alone may not meet the latent demand for your drive-through services and ongoing on-site operational management of the queue may be required to prevent the public nuisance.

As before, I am available to discuss this by phone or in person if you would like.

A handwritten signature in blue ink that reads "Rebecca Bjork". The signature is fluid and cursive, with the first name "Rebecca" and the last name "Bjork" clearly distinguishable.

Sincerely,
Rebecca Bjork
Public Works Director

cc:

Paul Casey, City Administrator/Clerk/Treasurer
Ariel Calonne, City Attorney
Lori Luhnnow, Chief of Police
George Buell, Community Development Director
Rob Dayton, Transportation Planning & Parking Manager
Dan Hentschke, Assistant City Attorney



City of Santa Barbara

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January 23, 2020

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Chick-fil-A, Inc.
Jennifer M. Daw
Principal Development Lead – West Region Development & Construction
15635 Alton Parkway, Suite 350
Irvine CA, 92618

SUBJECT: Chick-fil-A Queuing On Upper State Street

Dear Ms. Daw,

Thank you for taking the time to again meet with City staff in an attempt to correct the drive-through queuing out onto State Street at your Chick-fil-A restaurant located at 3707 State Street. The reoccurring drive-through queue onto State Street is both a safety hazard and traffic congestion generator for many more people than are served by your restaurant. State Street is a central arterial roadway and bike lane for this portion of our City. The continued queuing onto State Street blocking the bike lane and/or the number 2 lane of traffic is a serious safety and traffic congestion concern that cannot continue.

The City appreciates that Chick-fil-A has acknowledged its responsibility to make changes to its operations to address the queuing problem. I understand that you have discussed with City staff a new short-term operational strategy and a plan for a longer-term reconfiguration of the drive-through queuing line that will increase its capacity. But, I am also informed that while you have been attempting operational changes to solve the problem, some of those attempts have actually exacerbated the frequency and extent of the queuing on the sidewalk, bike lane and street. Thus, I am writing to emphasize both the urgency of the matter and that immediate steps must be taken to prevent queuing onto State Street on a temporary basis while work on a permanent solution continues.

I also understand you have expressed willingness to fund the stationing of police officers near your restaurant to move people along. However, I do not believe this is an effective use of our very limited police resources. Rather, the funding you offered should be used to hire your own permanent, official and uniformed security detail to manage the entrance to your driveway in such a manner that customers are directed into the parking lot if there is not sufficient room for them in the queue. Importantly, the security detail should prevent people from queuing on the street, much in the same manner that airport patrol officers move cars along in front of the airport. May I also suggest that you physically close access to the driveway apron when a vehicle cannot enter because of drive-through queuing. Whatever it takes, this situation is

not safe for motorists or cyclists on our streets and you need to take action now to eliminate the issue to prevent further liability exposure to Chick-Fil-A.

I want to also point out that my staff has advised that your restaurant may have latent drive-through demand that is not coming onto the site because of the current queuing onto State Street. Queuing on State Street is a vehicle code violation. Some drivers who are not willing to make an unsafe, illegal maneuver to access your restaurant are likely bypassing the queue altogether. Please be aware that regardless of any site adjustments that are made, the City has an ongoing legal and ethical responsibility to pursue remedial actions if the on-street queueing continues unabated.

Thank you again for your collaboration and willingness to respond thus far. The significance of risk to the public's safety is such that I feel Chic Fil A must take immediate actions while pursuing a long term modifications. Please feel free to contact me directly if you have questions.

Sincerely,



Rebecca J. Bjork
Public Works Director

cc:

Ariel Calonne, City Attorney
Dan Hentschke, Assistant City Attorney
George Buell, Community Development Director
Lori Luhnnow, Chief of Police
Paul Casey, City Administrator/Clerk/Treasurer